

William Adair Jackson
& East Indies - East India Company

B Y - L A W S,

CONSTITUTIONS, ORDERS,

AND

R U L E S,

FOR THE

Good Government of the Corporation

OF THE

UNITED COMPANY OF MERCHANTS

OF

ENGLAND TRADING TO THE EAST-INDIES;

AND FOR THE

**BETTER CARRYING ON, AND MANAGING,
OF THE TRADE OF THE SAID COMPANY.**

Printed in the Year 1794.

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Chap. XIII. p. 54. relating to Shipping
is merely transcribed from the old By-Laws
not at this time repealed or altered.



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COMPANY
BY LAWS, &c.

CHAPTER I.

ACCOUNTS

Section 1.

It is Ordained, That the Books, containing the General Accounts of this Company in England, shall be balanced to the good Day of June yearly, and the Balance be drawn out within Three Calendar Months after every good Day of June.

Section 2.

It is Ordained, That the Books of this Company's Affairs in India, shall once every Year, be balanced in every of the said

BY - LAWS, &c.

CHAPTER I.

ACCOUNTS.

SECTION I.

IT is Ordained, That the Books, containing the General Accounts of this Company in England, shall be balanced to the 30th Day of June yearly; and the Balance be drawn out within Three Calendar Months after every 30th Day of June.

Books to be
balanced
yearly to
the 30th
June.

SECTION 2.

Item, It is Ordained, That the Books of this Company's Affairs in India, shall, once every Year, be balanced in every of the

Indian Books
to be balan-
ced yearly,
and Copies
to be sent
home.

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faid

said Company's Factories; and Transcripts or Copies thereof, signed by the Chief and Council of each Factory, shall be sent to England, by the first Conveyance following; under the Penalty of the Persons being dismissed from the Service of the Company, who shall refuse or neglect so to do.

SECTION 3.

Accounts of
Nett Pro-
ceeds of
Sales, Duties
on Private
Trade, Ap-
plication of
all Nett Pro-
fits, and
State of the
Guarantee
Fund, to be
laid before
the General
Court annu-
ally.

Item, It is Ordained, That an Account shall annually be laid before a General Court of Proprietors, shewing the Nett Proceeds of the Company's Sales of Goods during the Year last past; the Duties and Allowances arising to the Company by Private Trade; and all other Nett Profits of the Company in Great-Britain; and the Application and Disposition thereof, agreeably to the

(7)

the Act of the 33d George III. Cap. 52. ; and also the State of the Guarantee Fund, and the Accumulation thereof whenever the same shall take place.

SECTION 4.

Item, It is Ordained, That an Account shall be annually rendered, to the Quarterly General Court in the Month of March, specifying the Quantity of Tonnage occupied by Individuals ; the Price that is paid for the same ; and the Profit or Loss arising to the Company during the Year then last past, from their being obliged to furnish 3,000 Tons or more of Shipping every Year for the Carriage of Private Trade, according to the Act of the 33d of His present Majesty George III. Cap. 52.

Account of Tonnage occupied by Individuals, the Price paid for the same, and the Profit or Loss to the Company, to be laid before the General Court annually, in March.

SECTION 5.

Accounts
and Papers,
laid before
the House of
Commons,
to be laid
before the
General
Court.

Item, It is Ordained, That such
Accounts and Papers as may,
from Time to Time, be laid be-
fore the House of Commons by
the Court of Directors, shall be
laid before the next General
Court.

SECTION 6.

General
State of the
Company's
Affairs to be
laid before
the Court of
Directors,
and General
Court, an-
nually.

Item, It is Ordained, That the
Court of Directors shall annually,
in the Month of March, cause a
general State of the Company's
Affairs to be drawn out, and
laid before them for their Ob-
servation; and that the same shall
also be laid before the next
Quarterly General Court.

SECTION 7.

Warehouse-
keepers to
keep Ac-
counts of

Item, It is Ordained, That the
Company's Warehouse-keepers
shall keep a regular Account of
the

the receiving in, and sale, of each Species of Goods; and that an Account of the Quantities, and an Estimate of the Value, of the Goods remaining in each Warehouse, shall be made up to every first of March, in such a Manner as to shew the same at one View.

Receipts,
Sales, and
Goods re-
maining.

SECTION 8.

Item, It is Ordained, That there shall be kept, by the Clerk to the Committee of Shipping, a separate Account of all Goods contracted for, and delivered, in that Department, for export; and of all Payments made thereon.

Clerk to the
Committee
of Shipping
to keep an
Account of
Exports and
Payments.

SECTION 9.

Item, It is Ordained, That the Clerk to the Committee of Buying shall keep a similar Account, re-

Clerk to the
Committee
of Buying
to keep a
similar Ac-
count.

respecting the Goods contracted for in his Department.

SECTION 10.

Account
Current of
Freight and
Demorage of
each Ship to
be kept.

Item, It is Ordained, That there shall be kept, in the Freight Office, a Book containing a separate Account Current of the Freight and Demorage of each Ship.

SECTION 11.

Accounts
to pass the
Court of
Directors
quarterly.

Item, It is Ordained, That all Accounts shall be examined by the respective Committees, and pass the Court of Directors, quarterly.

SECTION 12.

Accountant
to examine
and certify
Receipts and
Payments.

Item, It is Ordained, That the Accountant, or his Deputy, with the next Person under him, do, within Fourteen Days after the End of every Month, examine all Entries of Receipts and Payments of that Month, by the
1
respective

respective Vouchers, and the Additions and Balance thereof; and certify under their Hands, upon the Cash Book, that they have so done, and how they find the same.

CHAPTER II.

BUYING AND SELLING.

SECTION I.

Item, It is Ordained, That every Tender for selling, or furnishing, to this Company any Sort of Goods or Merchandize, or for performing any Business whatsoever, shall be entered as the same is received, and remain upon the Records of the Company.

All Tenders to be entered, and to remain on the Company's Records.

SECTION 2.

Item, It is Ordained, That whatever Rules and Regulations for the

Rules for the Sales of sundry Im-

ports to be
reported to
the General
Court.

the Sales of Raw-Silk, Sugar, Cotton Yarn, Cotton Wool, and other Wool, Skins, Dying Woods, and Drugs, and other Articles of Raw Materials, imported either in Private Trade, or on the Company's Account, shall, from Time to Time, be agreed upon by the Court of Directors, and receive the Approbation of the Board of Commissioners for the Affairs of India, shall be reported to the next General Court.

CHAPTER III.

BY-LAWS.

SECTION I.

A Committee for By-Laws to be chosen annually, in June.

Item It is Ordained, That, at the General Court to be held yearly in the Month of June, a Committee of Seven shall be chosen,

chosen, whereof Four to be a Quorum, who shall be, and they are hereby, authorised and empowered to inspect the By-Laws; and to make Enquiry into the Observance and Execution of them; and to consider what Alterations and Additions may be proper to be made; and to report their Opinion, from Time to Time, to the General Court. And that the said Committee shall be summoned to meet, by the Secretary for the Time being, on the Requisition of any Two Members thereof.

SECTION 2.

Item, It is Ordained, That the By-Laws shall be read in the First Court of Directors, and First General Court, after every annual Election.

By-Laws;
when to be
read.

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SECTION 3.

No By-Law
to be altered
without the
Consent of
Two General
Courts.

Item, It is Ordained, That no By-Law shall be ordained, altered, repealed, or suspended, without the Consent and Approbation of Two General Courts specially to be called for that Purpose; of the First of which General Courts Fourteen Days publick Notice at the least shall be given.

SECTION 4.

Persons, guilty of the wilful Breach of By-Laws, rendered incapable of holding any Office.

Item, It is Ordained, That if any Director, or any Officer or Servant of this Company, shall be guilty of a wilful Breach of any of the By-Laws of this Corporation, to which any other special Penalty is not annexed, and shall be so adjudged by a General Court, he shall be incapable of holding any Office or Em-

Employment under this Com-
pany.

SECTION 3.

CHAPTER IV.

CASH.

SECTION 1.

Item, It is Ordained, That the Court of Directors shall not invest any of the Company's Money in purchasing any Part or Share in the Capital Stock of this Company, without the Consent of the General Court first had.

Company's
Money not to
be invested in
Stock, with-
out Consent
of the Gene-
ral Court,

SECTION 2.

Item, It is Ordained, That the Cash of this Corporation, except such Sums as the Court of Directors shall think necessary to trust under the Care of the Company's Cashier, from Time to Time, for the Current Business,

Cash to be
kept at the
Bank of
England,

shall be kept at the Bank of England; in such Method as the Court of Directors shall appoint,

SECTION 3.

Write-off, or
Draft for
Sums, to be
drawn out of
the Bank, by
whom to be
signed and
presented for
Payment.

Item, It is Ordained, That for every Sum drawn out of the Bank of England, a Write-off, or Draft, shall be signed by the principal Cashier and his Deputy; and, in the Absence of either of them, by him who shall be present, and by such other Officer or Officers as the Court of Directors shall appoint for that Purpose; and that no other Person but the Principal Cashier, or his Deputy, shall present the said Write-off, or Draft, for Payment.

SECTION 4.

No Money to
be disposed of
without an
Order of the
Court of
Directors.

Item, It is Ordained, That no Money relating to the Trade or Affairs of the Company shall be disposed

disposed of without an Order of the Court of Directors ; and that the Interest and all other Advantages, arising and growing upon the Cash of the Company, shall be brought to the Account of the said Company.

SECTION 5.

Item, It is Ordained, That the Book containing the State of the Cash shall be laid before the Court of Directors once in every Week by the Cashier, and that he sign the same.

SECTION 6.

Item, It is Ordained, That the Chairman or Deputy Chairman, and Two of the Court of Directors, do, once a Month, or oftener, examine the several Species whereof the Balance of the Cash consists, and certify the same under their Hands.

Balance of Cash to be examined monthly, by Directors,

SEC-

SECTION 7.

No unlimited
Vote of Credit to be
given to the
Committee of
Treasury.

Item, It is Ordained, That no unlimited Vote of Credit, shall be given by the Court of Directors, to the Committee of Treasury, on the Company's Account.

SECTION 8.

No Bills or
Notes, except
Bank and
Bankers
Notes, to be
taken in Pay-
ment.

Item, It is Ordained, That no Bill of Exchange, Draft, or Note, other than Notes of the Bank of England, shall be taken in any Payment whatsoever to the Company; except Banker's Notes payable on Demand, for the due Payment whereof the Parties, paying them in, shall engage to be responsible for the Three following Days.

CHAP.

CHAPTER V.

COMMITTEES.

SECTION I.

Item, It is Ordained, That a Committee of Secresy, besides the Secret Committee authorized by the Act of the 33d Geo. III. Cap. 52. be annually appointed by the Court of Directors; and that the only Subjects of Reference to the said Committee of Secresy shall be the soliciting and settling of all Matters, relative to Signals, Places of Rendezvous, and Convoys, with the Admiralty.

SECTION 2.

Item, It is Ordained, That the Report of every Committee shall be signed, and laid before a Court of Directors on the same Day, or at

Powers of
the Commit-
tee of Treas-
ury.

Reports of
Committees
to be laid be-
fore the Court
of Directors.

at the Court then next following.

SECTION 3.

Three to be a Quorum of the Committee of Treasury.

Item, It is Ordained, That the Quorum of the Committee of Treasury shall never consist of less than Three Directors.

SECTION 4.

Reports from Committees to be made to the Court of Directors, of the Tonnage wanted for the Current Year.

Item, It is Ordained, That the Committees of Buying, Shipping, and Warehouses, shall report to the Court of Directors, Ten Days before the Ships are taken up, the Quantity of Tonnage necessary for the Service of the current Year, exclusive of the 3,000 Tons, or more, required by virtue of the Act of the 33d of Geo. III. Cap. 52. and that the Tonnage to be contracted for, shall be proportioned to those Reports: Provided the Court of Directors shall have received

received the proper Indents from
the several Settlements in Time.

SECTION 3.

Item, It is Ordained, That the

CHAPTER VI.
DIRECTORS, OFFICERS AND
SERVANTS.

SECTION 4.

SECTION 1.

Item, It is Ordained, That a A Court to be
Court of Directors shall be sum- held once a
moned, and held, once in every Week.
Week at the least.

SECTION 2.

Item, It is Ordained, That in If any Di-
all Cases where any Director of rector has any
this Company shall have any Dealings with
Dealings or Business with the Company,
Company upon his own Ac- he is to de-
count, either separately or in clare the
conjunction with any other Per- fame; except
son or Persons, for or in Re- as to Goods
spect
D

spect of buying for, or selling to the Company, any Bullion or other Goods, or in the making of any other Bargain or Contract by, to, or with, this Corporation, such Director shall, at the Time of negotiating the same, or being present at the Negotiation thereof, declare to the Court of Directors the Nature and Extent of his Interest or Concern in the Goods proposed to be sold, or in the other Matters negotiating, wherein he shall be directly or indirectly interested or concerned: provided that nothing in this By-Law shall be understood to oblige any Director to declare, whether he is concerned in Goods bought, by himself or others for him, at any public Sale by the Company's Candle.

SEC-

SECTION 3.

Item, It is ordained, That if any Debate shall arise in the Court of Directors concerning any Director, or any Matter or Thing wherein any Director shall be personally concerned, every such Director, having been first heard, shall withdraw, during such Debate, and when the Question thereupon is put.

Directors to withdraw, during Debates, in which they are personally concerned.

SECTION 4.

Item, It is Ordained, That no Director shall give his Vote for any Lot of Goods bought at the Company's Candle, or for making any Allowance for any Goods so bought, wherein he shall be directly or indirectly concerned.

No Director to vote on the Sale of Goods wherein he is concerned.

SECTION 5.

Item, It is Ordained, That if any Director shall take any Fee,

No Director to take any Fee, Present, or Reward.

Present, or Reward, directly or indirectly, upon any Account whatsoever relating to the Business or Affairs of the Company, or his Office of a Director, he shall forfeit double the Amount received, Two-thirds to the Company, and One-third to the Informer; and every such Director shall be ipso facto incapable of holding the Office of a Director, or any Place whatever under this Company.

SECTION 6.

No Member of this Corporation to offer any Fee to a Director.

Item, It is Ordained, That if any Member of this Corporation shall offer any Fee, Present, or Reward, directly or indirectly, to any Director of this Company, upon any Account whatsoever relating to the Business or Affairs of the Company, he shall forfeit double the Amount offered,

ed, Two-thirds to the Company,
and One-third to the Informer,
and be incapable of holding or
enjoying any Office, Employ-
ment, or Pension under this
Company.

SECTION 7.

Item, It is Ordained, That if
any Director shall go beyond
Sea, and there continue for
Twelve Months, his Office of
Director shall thereby become
vacant; and every Director
going beyond Sea, shall make
Report thereof to the Court of
Directors.

A Director,
continuing
Twelve
Months be-
yond Sea, his
Office shall
become va-
cant.

SECTION 8.

Item, It is Ordained, That
whenever there shall be a Va-
cancy of the Place of a Director,
another shall be chosen in his
Room within a convenient Time,
not

Vacancies, in
the Direction,
to be filled up
within Forty
Days after a
Declaration
thereof.

not exceeding Forty Days after every such Vacancy, shall have been declared in the Court of Directors: and that Ten Days public Notice shall be given of the Day upon which such Choice shall be made.

SECTION 9.

No Person can be a Director within Two Years after having been in the Civil, Military, or Maritime Service.

Item, It is Ordained, That no Person shall be elected a Director of this Company within Two Years after having held any Office in the Civil, Military, or Maritime Service of the Company.

SECTION 10.

All Orders to be signed by Thirteen, or more Directors, except Orders from the Secret Committee, and Committee of Secresy.

Item, It is Ordained, That no Orders shall be sent by the Directors to, or obeyed by, any Persons employed in the Service of this Company in India, or any other Parts, at or beyond the Cape of Good Hope, or at St.

(27)
St. Helena, but such as shall be
signed by Thirteen or more of
the Directors for the Time being;
except such Orders as are di-
rected or allowed to be issued by
the Secret Committee, pursuant
to the Act of Parliament of
33 Geo. III. Cap. 52. or by the
Committee of Secresy relative
to Signals, Places of Rendezvous,
and Convoys.

SECTION II.

Item, It is Ordained, That, at A Chairman
the first Court of Directors after and Deputy
every Annual Election, a Chair- Chairman to
man and Deputy Chairman shall be chosen
be chosen for the Year by the yearly, by
Ballot; and that each of them Ballot, and
be allowed Five Hundred Pounds allowed
a Year, and every other Director £.500 a Year
Three Hundred Pounds a Year, each; and
for his Attendance upon the Bu- every other
siness of this Company. Director
£.300 a Year.

SEC-

SECTION 12.

Directors
may inspect
and copy
Papers,
except those
before the
Secret Com-
mittee and
Committee of
Secresy.

Item, It is Ordained, That every Director shall have Liberty to take Copies of all Accounts, Letters, and Papers relating to the Company's Affairs, except such as are before the Secret Committee appointed by the Act of 33 Geo. III. Cap. 52. or the Committee of Secresy.

SECTION 13.

Directors
may enter
Dissents on
Court
Minutes.

Item, It is Ordained, That any Director, who shall dissent from any Resolution of the Court of Directors, shall have the Liberty of entering his Dissent, with the Reasons thereof, on the Minutes of the said Court, within Fourteen Days from the passing of such Resolution.

SEC.

SECTION 14.

Item, It is Ordained, That no Officer or Servant of this Company, in Europe, shall have any Dealings or Business with this Company upon his own Account, or for his own Profit and Advantage, directly or indirectly, solely or in Conjunction with any other Person or Persons, or in any Manner whatsoever, without the express Permission and Authority of the Court of Directors, in Writing, signed by the Secretary.

Servants of
the Company,
in Europe,
not to deal
with them,
except by the
Court's Per-
mission.

SECTION 15.

Item, It is Ordained, That no Officer or Servant belonging to the Company shall, directly or indirectly, demand any Fee, Reward or Present, other than such as shall be allowed and established

No Officer
shall demand
any Fee but
what shall be
contained in
a printed List,
to be exposed
to public
View.

established by the Court of Directors, and contained in a Table, or Tables, of Fees, to be printed and exposed to public View in every Office where Fees are allowed to be taken.

No Officer to be a Broker.

SECTION 16.
Item, It is Ordained, That no Officer or Servant of this Company, being, or taking upon him the Office of, a Broker, shall be capable of continuing in the Service of the Company.

No new Office to be created of more than £. 200 per Annum, without Approbation of Two General Courts.

SECTION 17.
Item, It is Ordained, That no new Office, either at Home or Abroad, shall be created by the Directors, with any Salary exceeding the Sum of Two Hundred Pounds per Annum; without the Approbation of Two General Courts to be summoned for that Purpose.

SEC-

SECTION 18.

Item, It is Ordained, That no Salary, exceeding in the Whole Two Hundred Pounds per Annum, shall be annexed to any Office that shall be hereafter created; without the Approbation of Two General Courts to be summoned for that Purpose.

No Salary, exceeding £. 200 per Annum, to be annexed to any Office without Approbation of Two General Courts.

SECTION 19.

Item, It is Ordained, That every Resolution of the Court of Directors for granting a new Pension, or an Increase of Pension, exceeding in the Whole Two Hundred Pounds per Annum to any one Person, shall be laid before, and approved by, a General Court specially summoned for that Purpose, before the same shall be submitted to the Board of Com-

Pensions granted of more than £. 200 per Annum must be approved by the General Court.

missioners for the Affairs of
India.

CHAPTER VII ELECTIONS.

SECTION I.

Any Member
endeavouring
to obtain a
Vote by indi-
rect Means,
shall be inca-
pable of being
elected a Di-
rector.

Item, It is Ordained, That if
any Member of this Company
shall, by Menaces, Promises, col-
lusive Transfer or Transfers of
Stock, or any other indirect
Means whatsoever, obtain, or en-
deavour to obtain, any Vote for
the Election of himself or any
other, to be a Director, and be
thereof declared guilty at a Ge-
neral Court to be called for that
Purpose, such Person shall for
ever be incapable of being elec-
ted a Director.

SEC-

SECTION 2.

Item, It is Ordained, That no No List to be
List shall be received for any received after
Election, after the Glafs is the Glafs is
finally sealed up according to the finally sealed
Time prefixed. up.

SECTION 3.

Item, It is Ordained, That if, Upon an
upon the Scrutiny for Directors, equal Num-
any Two or more Persons quali- ber of Votes
fied shall have an equal Number the Election
of Votes, the Election, in such to be determi-
case, shall be determined by ned by draw-
drawing Lots, in the General ing Lots.
Court in which such Scrutiny
shall be reported.

SECTION 4.

Item, It is Ordained, That if, Mistakes in
on the Scrutiny, Two or more the Names of
Persons qualified for the same Candidates to
Office, have the same Christian be determined
and by the Scrutineers.

and Surnames, and are not distinguished by their Additions, or if a wrong Christian Name in any List is placed to a Surname, when but one Person of that Surname is qualified, or literal Mistakes are made in Christian or Surnames: In every of the said Cases, the Majority of the Scrutineers may determine the Person or Persons intended; but in case of the Scrutineers being equally divided, the Question shall be decided by drawing Lots.

SECTION 5.

Seven

Months public Notice of every Annual Election of Directors to be given; and Lists, of Members qualified to vote, to be delivered.

Item, It is Ordained, That pre-

vious to every Annual Election of Directors, at least Seven Months public Notice shall be given thereof; and Two printed Lists of the Names of the Members, who appear qualified to vote,

vote, shall be ready to be delivered, the First at least Five Months, and the Second at least Fourteen Days before the Day of Election.

SECTION 6.

Item, It is Ordained, That a List shall be published Fourteen Days before the Annual Election of Directors, containing the Names of such Proprietors, qualified agreeable to Law, as shall signify, in Writing, to the Secretary, their Desire of becoming Candidates for the Direction, Sixteen Days before such Annual Election.

List of Candidates for the Direction to be published Fourteen Days before every Election.

SECTION 7.

Item, It is Ordained, That in all Elections to be annually made of Six Directors for Four Years, in pursuance of the Act of Parliament

Lists, containing the Names of more than Six, or less than Five qualified

Candidates,
shall be re-
jected.

liament of the 13th Year of His Majesty King George III. Cap. 63. each Proprietor voting shall give in a List, containing not more than Six Names of Persons duly qualified to be Directors; and if any List shall contain the Names of more than Six, or less than Five, Persons duly qualified, who shall have declared themselves Candidates by giving Notice thereof, in Writing, to the Secretary, Seven Days previous to the Day of Election, every such List, and all the Names therein contained, shall be totally rejected.

SECTION 8.

Certain
Sections of
this Chapter
to be inserted
at the End of
every printed
List.

Item, It is Ordained, That the Fourth, Fifth, and Sixth Sections of this Chapter, shall be inserted at the End of every printed List delivered to the Proprietors,

tors, at or before the Annual Election.

SECTION 9.

Item, It is Ordained, That in all Elections of Committees made by Ballot in a General Court, the same Method (so near as the case will admit) shall be observed, under such Penalties as are before prescribed, concerning the Election of Directors.

Elections of Committees, by Ballot, in the General Court, to be managed conformably to the Elections of Directors.

CHAPTER VIII.

GENERAL COURTS.

SECTION I.

Item, It is Ordained, That if, at any General Court, Nine of the Members present, duly qualified to vote, shall demand a Ballot for determining any Question, except for Adjournment, or

A Ballot to be taken when demanded by Nine Members.

F the

the previous Question, or an Amendment, such Question shall be put by the Ballot and not otherwise.

SECTION 2.

The Question for Adjournment, or the previous Question, or an Amendment, may be determined by a Division.

Item, It is Ordained, That if any Doubt shall arise in the General Court, upon, or relating to, any Declaration which shall be made from the Chair upon the Question for Adjournment, or the previous Question, or an Amendment; such Question shall be determined by a Division of the Proprietors, duly qualified to vote, then present.

SECTION 3.

What Questions, in a General Court, to be stated in Writing. General

Item, It is Ordained, That all Questions in any General Court, except the previous Question, or for Adjournment, shall, if required, be stated in Writing, before the

the same shall be put; and the
Chairman shall not adjourn or
dissolve the Court without a
Question.

Court not to
be adjourned
without a
Question.

SECTION 4.

Item, It is Ordained, That no
Motions shall in future be made
in a General Court to forgive any
Offences committed by any of
the Company's Servants, or to
make any Grants of any Sums
of Money out of the Company's
Cash, without Notice being gi-
ven in Writing by the Persons
proposing the same, and pub-
lished by the Court of Directors
at least Fourteen Days previous
to the holding of such General
Court.

Notice to be
given of Mo-
tions to for-
give Offen-
ders, or to
grant Money
in the Gene-
ral Court.

SECTION 5.

Item, It is Ordained, That no
Person be admitted to be present
at any General Court, who shall

No Persons
admitted to
General
Courts unless
possessed of
£500. Stock.

not, at the Time, be possessed of
Five Hundred Pounds Stock.

CHAPTER IX.

ILLICIT TRADE.

SECTION I.

No Member
to Trade
within the
Company's
Limits, ex-
cept as per-
mitted by Act
of Parlia-
ment, or the
By-Laws.

Item, It is Ordained, That every
Member of this Company, who
shall, directly or indirectly, un-
der any Colour or Pretence what-
soever, Trade within the Limits
of the Company's Charter, other-
wise than in the Joint Stock of
the Company, except in the
Manner, and under the Regula-
tions and Restrictions provided
by Act of Parliament, or the By-
Laws of the Company, shall for-
feit and lose to the Use of the
said Company, the Value of all
Money, Goods, and Merchandi-
zes

zes so traded for, over and above all other Penalties and Forfeitures imposed by Act of Parliament, and be rendered incapable of serving this Company in any Office or Place whatsoever.

SECTION 2.

Item, It is Ordained, That all Goods, Merchandizes, and Bullion, which shall be found on board any of the Company's Outward-bound Ships, not licensed and marked, or stamped with the Company's Mark, shall be forfeited; except only in Cases where the Court of Directors, for the Time being, shall think fit, on the Necessity of the Case, to dispense with the examining and marking of such Goods, and declare the same under the Hands of Thirteen or more of them.

And

Unlicensed
Goods to be
forfeited, ex-
cept as here-
in stated.

Notice there-
of to be given
to the Com-
manders.

And that Notice of this By-
Law be given, in Writing, to
every Commander of a Ship in
the Company's Service, at the
Time of his being sworn into
the Command of the said Ship.

CHAPTER X.

PRIVATE TRADE.

SECTION I.

No Person to
be permitted
to export or
import Mo-
ney or Goods
except the
same shall be
previously li-
censed.

Item, It is Ordained, That the
Court of Directors shall not per-
mit any Person or Persons to
export or import any Money,
Goods, or Merchandizes, in any
Ship belonging to or freighted
by this Company, other than
such as shall be first licensed by
the said Court of Directors, or
such Person or Persons as shall
be by them empowered to grant
such Licence.

SEC-

And that Notice of this By-Law be given to every Company of the City of London.

SECTION 2.

Item, It is Ordained, That all Goods and Merchandizes whatsoever, which shall be licensed to be sent in any of the Company's Ships to the East-Indies, shall be brought to the Place appointed, and viewed by the proper Officers, in order to the ascertaining of the Tonnage and the registering of such Goods.

SECTION 3.

Item, It is Ordained, That the Company's Mark shall be put upon all such Goods, Merchandizes, and Bullion, either by burning or deep cutting in, if the Package will bear it, or else by stamping, before the same are removed from the Place of View; with such further additional Marks or Numbers, as the Parties

Notice thereof to be given to the Company.

All Goods licensed to be exported, shall be viewed by the proper Officers;

No Person shall be permitted to export or import Merchandise.

The Company's Mark to be put on all such Goods and Bullion.

ties concerned, and the Committee of Shipping, or of the Treasury, shall direct.

SECTION 4.

All Bullion
to be brought
to the Treas-
ury.

Item, It is Ordained, That all Bullion which shall have been licensed, shall be brought to the Treasury Office and there viewed, weighed, and packed up.

SECTION 5.

A Receipt for
the Freight
and Duties on
Goods and
Bullion to be
produced.

Item, It is Ordained, That before any Warrant or Order shall be given for shipping such Goods, Merchandizes, or Bullion, the Freight and Duties shall be paid to the Company's Treasurer or Cashier, for which he shall give a Receipt, to be produced to the Officer or Person appointed by the Court of Directors to sign such Warrant or Order.

SEC-

SECTION 6.

Item, It is Ordained, That a Register shall be kept in Books for that Purpose, of all the Goods, Merchandizes, and Bullion, licensed as aforesaid, together with the Quantity and Tonnage of the same; and that the Assistant to the Committee of Shipping in the Private Trade Branch outward, do, within Fourteen Days after any Ship or Ships belonging to this Company shall have sailed from the Downs, transmit, to the Court of Directors, an account of all Goods and Merchandizes shipped on such Ship or Ships respectively, with the Marks and Numbers, and Quantity of the Tonnage of the same.

A Register of all Goods and Bullion, licensed as aforesaid, to be kept.

SECTION 7.

All Goods,
brought
home in Pri-
vate Trade,
to be register-
ed;

Item, It is Ordained, That all Goods brought home in Private Trade shall be registered at the Factory where the same shall be taken on Board; and in case of their being taken on Board, where the Company have no Factors, then the same shall be registered in the Supra Cargoes Books; and where there is no Supra Cargo, then in the Commander's Book, witnessed by the next Superior Officer on Board; and that a return of all such Registers shall be constantly made by the Factors, Supra Cargoes, or Commander in each Ship, under their Hands respectively, and Duplicates thereof transmitted to the Company by some other Ship.

Sec-

SECTION 8.

Item, It is Ordained, That in all Charter Parties there be inserted a Clause, whereby the Commander and Owners shall bind themselves to lose and forfeit, to the Use of the Company, all their Goods brought home in Private Trade which shall not be duly registered; and that a proper Instrument for the like Purpose shall be signed by the Officers and Ship's Company at the Time of receiving their Impress Money.

And, if not duly registered, to be forfeited to the Company.

SECTION 9.

Item, It is Ordained, That all Goods in Private Trade (Prohibited Goods excepted) be, immediately after landing, brought up from the Water-side, and lodged in a particular Warehouse

All Goods in Private Trade to be lodged in the Company's Warehouses.

to be provided by the Court of Directors for that Purpose, and not housed in any Warehouse at the Water-side unless specially ordered by the Court of Directors.

SECTION 10.

Unregistered Goods to be delivered; viz. Tea, not exceeding £10, and other Goods, not exceeding £100. value.

Item, It is Ordained, That notwithstanding the 1st and 7th Sections of this Chapter, in case any small Quantities of Tea not exceeding the Value of £.10 prime Costs, or other Goods or Effects not exceeding the Value of £.100 prime Costs, belonging to any one Person, shall be brought from India or China, in any of the Company's Ships, without being duly licensed or registered, and it shall appear, to the Satisfaction of the Court of Directors, that there was no Intention of smuggling such Goods

or

or Effects, it shall be lawful for the said Court of Directors, at their Discretion, to pass, and allow such Goods or Effects, not exceeding such Value as aforesaid, to be delivered to the Owners thereof, upon Payment of the Duties and Charges due to the Company.

SECTION II.

Item, It is Ordained, That a regular Survey shall always be made of all Goods, Wares, and Merchandizes, the Property of Individuals laden, pursuant to the Act of Parliament of the 33d George III. Cap. 52, on Board of any Ship employed by the Company, within Ten Days after the same shall be landed either in Europe, or in India; and a Report shall be made in Writing of the State and Condition thereof,

A Survey of all Goods to be made within Ten Days after their being landed.

of, in order to ascertain, as far as possible, whether any Embezzlement, Waste, Loss, or Damage, hath arisen or been sustained, and, if any appears, whether the same has happened by the Means, Default, Procurement, Neglect, or Want of care of any Officer or Servant of this Company, entrusted by them with the Custody, Care, or Management of the said Goods, Wares and Merchandizes, whether at Sea or on Shore.

SECTION 12.

All Regulations for the export of Private Trade to be reported to the General Court.

Item, It is Ordained, That all Rules and Regulations established by the Court of Directors, from Time to Time, to be observed by Persons who shall export Goods in Private Trade to the East-Indies, pursuant to the Act of the 33^d Year of the Reign of

of His Majesty George III.
Cap. 52. shall be reported to the
next General Court.

SECTION 13.

Item, It is Ordained, That all
such Rules and Regulations as
shall from Time to Time be
framed by the Court of Direc-
tors, and receive the Approba-
tion of the Board of Commis-
sioners for the Affairs of India, in
respect to the Owners and Com-
manders of such Ships as may
Trade to the N. W. Coast of
America, and intend to proceed
to the Coasts of Japan and Korea,
or to the River of Canton, shall
be reported to the next General
Court.

All Regula-
tions for
Ships trading
from the N.
W. Coast of
America to
China, to be
reported to
the General
Court.

CHAP.

CHAPTER XI.

REGISTER OF BONDS AND
OTHER INSTRUMENTS.

SECTION 1.

Register of
Bonds for
Money bor-
rowed to be
kept; also,

Item, It is Ordained, That the
Court of Directors do cause a
Register of all Bonds, for Money
borrowed at Interest, to be kept
under the Inspection of those
who have the Custody of the
Seal.

SECTION 2.

Register of all
Instruments
which pass
under the
Company's
Seal.

Item, It is Ordained, That a
Register be kept, in like Man-
ner, for the Entry of all other
Bonds and Instruments of what
kind soever, which shall pass
under the Company's Seal.

SECTION 3.

Item, It is Ordained, That the Secretary for the Time being do see, that the said Register Books, be laid before the Court of Directors, at the First Court in every Calendar Month.

The Register Books to be laid before the Court.

CHAPTER XII.

SEAL OF THE COMPANY.

SECTION 1.

Item, It is Ordained, That the Common Seal of this Corporation shall be kept under Three Locks, by such Three Persons (of whom Two shall always be Directors) as the Court of Directors shall, from Time to Time appoint.

The Company's Seal to be kept under Three Locks,

and,

H

SEC-

SECTION 2.

Not to be put
to any writing
but in the
Presence of
Two Direc-
tors.

Item, It is Ordained, That the
said Seal shall not be set to any
Writing or Instrument, but by
an Order of the Court of Di-
rectors first had, and in the Pre-
sence of any Two or more of
the Directors.

CHAPTER XIII.

SHIPPING.

SECTION I.

The Com-
pany's
Money not to
be laid out in
Shipping.

Item, It is Ordained, That the
Court of Directors shall not invest
any of the Company's Money in
Shipping, except in such small
Ships as they may have occa-
sion to employ in the East-
Indies.

SECTION 2.

Item, It is Ordained, That no Commander, Owner, or Part-Owner of any Ship freighted by the Court of Directors, shall sell any Office of Mate, Purser, Gunner, Boatswain, or any inferior Office, or take any Fee or Reward whatsoever, directly or indirectly, for any of the said Offices or Employments on board any Ship so freighted; and that upon Proof made thereof to the Court of Directors, such Commander, Mate, Purser, Gunner, Boatswain, or other inferior Officer shall be discharged the Service of this Company; and that any Owner, Part-Owner, or Commander of any Ship freighted as aforesaid, who shall sell any such Office as aforesaid, upon Proof made thereof to the said

No Com-
mander or
Owner shall
sell any Office
in a Ship.

((736))

Court of Directors, shall forfeit to this Company, for every such Offence, double the Sum for which any such Office shall be sold, to be deducted out of the Freight and Demorage to grow due for the said Ship; and that a proper Clause be inserted in all Charter-Parties for this Purpose.

SECTION 3.

No Ship to be taken up whereof a Director is an Owner.

All Ships to be taken up and stationed by Ballot.

Item, It is Ordained, That from and after Michaelmas, which shall be in the Year of our Lord 1709, no Ship or Vessel shall be hired or freighted by the Court of Directors, wherein any Director, is directly or indirectly, concerned or interested as an Owner, or a Part-Owner. And all Ships to be hired by this Company, shall be taken up, and their respective Voyages agreed

agreed in a Court of Directors,
by the Ballot, and not other-
wise: And the Court of Di-
rectors shall not accept the Ten-
der of any Ship, but what shall
be first made by the Commander,
and Two of the Owners, in
Writing, wherein shall be ex-
pressed the Names of all the
Owners.

Tenders how
to be made.

SECTION 4.

Item, It is Ordained, That the
Ship which hath been, or shall
be First worn out or condemned,
shall be the First rebuilt and
employed, and so in Rotation,
unless it shall appear necessary
in the Opinion of the Court of
Directors, to reduce the Quan-
tity of Tonnage in the Com-
pany's Service, in which Case,
when a Commander shall hap-
pen to die upon, or after his
Ship

Ships to be
built in turn.

Ship shall have performed a Fourth Voyage, and before Liberty given for rebuilding, the Bottom of such Ship shall drop.

SECTION 5.

Owners of
Ships, un-
avoidably
lost, shall
have a
Preference to
build.

Item, It is Ordained, That if a Ship shall happen to be taken or Lost, on her First, Second, or Third Voyage, and such Capture or Loss shall, in the Judgment of the Court of Directors, appear to have been unavoidable, the Owners of such Ship shall have the Preference of Building a new Ship, without waiting for the Turn in Rotation.

SECTION 6.

No Ships to
be employed
of less than
800 Tons,
except for
homeFreights

Item, It is Ordained, That no Ship shall hereafter be built for, or employed in the Company's Trade, to or from the East-Indies or China, of less Burthen than

than 800 Tons Builders' Measurement, except Ships casually hired for Home Freights, Ships the Property of the Company, and Ships already built for the Company's Service; nor shall Ships to be so employed, except as aforesaid, be built with Timber of smaller Scantling, or with any other Material of less Dimensions than those now used for Ships of 800 Tons, built with the Leave of the Company, and so in proportion for Ships of a larger Size.

SECTION 7.

Item, It is Ordained, That the Court of Directors shall give Leave for Building each Ship, in Time, to allow Eighteen Months from the Time of laying the Keel, to the Launching, and in such Leave shall specify particularly

Terms on which the Owners are to have leave to build.

larly the Dimensions, Scantlings, Thickness of Planks, and Number of Guns, provided, that previous to such Leave, the Owners shall consent to lett their respective Ships to the Company, upon each Voyage, at as low a Freight as any other Ship can be obtained by the Court of Directors, which have been or shall be constructed and fitted in the same Manner with the Regular Ships, of about 800 Tons and upwards, at this Time employed in the Company's Service.

SECTION 8.

New Ships to be commanded by Captains out of employ, or Officers properly qualified.

Item, It is Ordained, That if any new Ship or Ships shall be built, or taken up on Freight, for the Use of the Company, the Command of such Ship or Ships, shall be given to Captains
out

((6r^o))

out of Employ, from their Ships being worn out, and if there shall be no Captain, in that Predicament, then to Officers properly qualified for a Command under the established Regulations of the Service, such Persons respectively, being found on enquiry to have faithfully and honorably discharged their Duty, in their several Stations, and the Owners shall be restrained from removing any Commander, after he shall have been regularly appointed and confirmed, without giving such Reasons for his Removal, as shall be satisfactory to the Court of Directors.

Commanders
not to be re-
moved with-
out satisfac-
tory Reasons.

I CHAP.

CHAPTER XIV.

TRANSFERS.

For every
Transfer,
amounting
to, or exceed-
ing £10,
Four Shil-
lings to be
paid, besides
Stamp Du-
ties.

Item, It is Ordained, That up-
on all Transfers of any Share or
Interest in the Capital Stock of
this Corporation, amounting to,
or exceeding the Sum of Ten
Pounds; Four Shillings shall be
paid for each Transfer, by the
Person transferring, for the Use
of this Corporation, exclusive of
the Stamp Duties.

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